

**VERMONT BOARD OF MEDICAL PRACTICE**  
**Minutes of the December 2, 2015 Board Meeting**  
**Gifford Medical Center, Randolph, Vermont**

**Unapproved**

**1. Call to Order; Introduce New Members; Call the Roll; Acknowledge Guests:**

William K. Hoser, PA-C called the meeting to order at 12:21 P.M.

**Members Present:**

Richard Bernstein, MD; Brent Burgee, MD; Richard Clattenburg, MD; Allen Evans; Patricia Hunter; David A. Jenkins; Leo LeCours; David Liebow, DPM; Sarah McClain; Christine Payne, MD; Joshua Plavin, MD; Harvey Reich, MD; Marga Sproul, MD.

**Others in Attendance:**

David Herlihy, Executive Director; Paula Nenninger, Investigator; Christiana Coyner, Board Investigator; Karen LaFond, Operations Administrator; Margaret Vincent, AAG; Kassandra Diederich, AAG; Bill Reynolds, AAG; George Belcher, Esq., Presiding Officer; Lizzy Tisher, AAG; Katie Poule, AAG.

**2. Call to Order; Call the Roll; Acknowledge Guests:**

Mr. Hoser introduced his cousin Michael Hoser, who has been traveling around the world and stopped to visit him in VT. Michael spoke briefly about his travels and thanked the Board for allowing him to sit-in on the public portion of the meeting.

Ms. Deiderich introduced Ms. Tisher and Ms. Poule, who will be covering for her while she is on maternity leave. Ms. Tisher and Ms. Poule thanked members for welcoming them to the meeting and noted that they would be in attendance at the committee meetings to obtain a better understanding of the work of the Board so they can successfully support the Board during Ms. Deiderich's absence.

**3. Public Comment:**

None

**4. Approval of Minutes of the November 4 and November 18, 2015 Board Meetings:**

Dr. Reich moved to accept the minutes of the November 4, 2015 meeting. Dr. Hayward seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

Dr. Bernstein moved to accept the minutes of the November 18, 2015 meeting. Dr. Liebow seconded the motion. The motion passed; opposed: none; recused: none; abstained: none.

**5. Board Issues (Mr. Hoser):**

Mr. Hoser thanked Dr. Hayward for filling in for him during the November meeting when Mr. Hoser was unable to attend the meeting.

**6. Administrative Update (Mr. Herlihy):**

Mr. Herlihy noted that he will be attending the Physician Assistant Academy of Vermont meeting in January and has submitted his presentation to PAAV. Also attending the meeting will be Ms. Nenninger and Ms. Coyner.

Mr. Herlihy wished to publically commend Ms. Nenninger and Ms. Coyner for their work on behalf of the Board and noted they both received highly positive annual evaluations.

Finally, Mr. Herlihy presented Ms. Deiderich with a baby gift on behalf of the Board.

**7. Presentation of Applications (12:30 p.m. – 12:45 p.m.):**

Applications for physician and physician assistant licensure, and certifications of radiologist and anesthesiologist assistants were presented and acted upon as detailed in Appendix A, incorporated by reference into these minutes.

**8. Presentations to the Board (12:45 p.m. – 1:15 p.m.):**

None

**9. Recess; Convene hearing to discuss any stipulations or disciplinary matters that are before the Board (1:15 p.m. – 1:45 p.m.)**

- **In re: Amalia F. Lee, MD – MPC 165-1210 and MPC 088-0712 – Stipulation and Consent Order**

Mr. Belcher and Mr. Reynolds addressed the Board, summarizing the facts leading up to the Stipulation and Consent Order. Ms. Hunter made a motion to approve the Stipulation and Consent Order. Mr. LeCours seconded the motion. The motion passed; opposed: none; abstained: Dr. Hayward; recused: Dr. Leibow and the Central Investigative Committee.

**10. Reconvene meeting; Executive Session to Discuss:**

- **Investigative cases recommended for closure**
- **Other matters that are confidential by law, if any**

Dr. Hayward made a motion at 12:29 p.m. to enter into Executive Session to discuss confidential matters related to investigations. Ms. Hunter seconded the motion. The motion passed: opposed: none; abstained: none; recused: none

**11. Return to Open Session; Board Actions on matters discussed in Executive Session:**

Ms. Hunter made a motion at 12:47 p.m. to return to Open Session. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

**Mr. LeCours, North Investigative Committee, asked to close:**

MPN 135-0815 – Letter #1  
MPN 131-0815 – Letter #1

Dr. Reich made a motion to close the cases presented. Ms. Hunter seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 and North Investigative Committee.

**Mr. Jenkins, Central Investigative Committee, asked to close:**

MPC 124-0715 – Letter #1  
MPC 141-0915 – Letter #1  
MPC 157-1015 – Letter #1

Ms. Hunter made a motion to close the cases presented. Dr. Bernstein seconded the motion. The motion passed; opposed: none; abstained: none; recused: Central Investigative Committee.

**Dr. Reich, South Investigative Committee, asked to close:**

MPS 106-1014 – Letter #1  
MPS 133-1114 – Special Letter #1  
MPS 160-1015 – Special Letter #1

Dr. Clattenburg made a motion to close the cases presented. Mr. LeCours seconded the motion. The motion passed; opposed: none; abstained: none; recused: 1 and South Investigative Committee.

**12. Board Actions on Committee recommendations with regard to any non-confidential matters:**

None

**13. Other Business:**

Mr. Herlihy reviewed the Health Department Memo regarding the Policy on Analysis of Opioid Prescribing Patterns. He noted that the memo advises prescribers that prescribing practices will be monitored via the Vermont Prescription Monitoring System, and the information gathered will be utilized for trend analysis, with individual prescribing practices assessed within specialty/area of practice. Mr. Herlihy inquired of the members whether this was something they wished to have posted on the Board's website.

Points of discussion focused on: whether or not the Board should be associated with the described methodology and use of the VPMS data. One comment noted that the tone of the memo might appear to promote a public perception that physicians are the cause of the opioid problem in Vermont. Another commenter asked if it might raise more concerns among prescribers about how their prescribing will be monitored and judged. It was asked if the information developed will be of value to patients, and whether there is potential for the general public to misinterpret the information. Members suggested offering Commissioner Harry Chen, MD, or a staff representative, an opportunity to visit with the Board regarding the policy.

Dr. Clattenburg made a motion to table the discussion pending further review and a possible visit by Comm. Chen. Ms. McClain seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

**14. Upcoming Board meetings, committee meetings, hearings, etc.: (Locations are subject to change. You will be notified if a change takes place.)**

- **December 10, 2015, North Investigative Committee Meeting, 12 p.m., Vermont Department of Health, 108 Cherry Street, 3<sup>rd</sup> Floor, Conference Room 2C, Burlington, VT**
- **December 11, 2015, Central Investigative Committee Meeting, 9 a.m., National Life – North Building: Calvin Coolidge Conference Room – 6<sup>th</sup> Floor of the Deane C. David Building, Waterbury, VT**
- **December 16, 2015, Board meeting on pending applications, 12:10 p.m., Board of Medical Practice office, 108 Cherry Street, 2<sup>nd</sup>, Floor Burlington, VT (and via telephone)**

- **December 16, 2015, South Investigative Committee Meeting, 12:00 p.m., Asa Bloomer State Office Building, 4th Floor, Room #492, Rutland, VT**
- **January 6, 2016, Licensing Committee Meeting, 10:30 a.m., Gifford Medical Center, Red Clover Conference Room, Randolph**
- **January 6, 2016, Board Meeting, 12 p.m., Gifford Medical Center, Red Clover Conference Room, Randolph**

**15. Open Forum:**

**16. Adjourn:**

Ms. McClain made a motion to adjourn. Mr. Evans seconded the motion. The motion passed; opposed: none; abstained: none; recused: none.

Meeting adjourned at 1:26 p.m.

**Attachments: Appendix A**

Respectfully submitted,

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Karen A. LaFond  
Medical Licensing & Operations Administrator

## **APPENDIX A**

### **Presentation of Applications**

**Mr. Hoser moved for the issuance of physician licenses and physician assistant licenses, and anesthesiologist assistant certifications for:**

Peter Anderson, MD  
Lauren Brogna, PA-C  
Mei Lee Frankish, MD  
Christopher Lee, PA-C  
Michael Natale, MD  
Aaron Potnick, MD  
Edward Shlasko, MD

Kathi Barringer, PA-C  
Suzanne DeCapua, PA-C  
Frederick Fuller, PA-C  
Elizabeth Lewis, PA-C  
Tina Nelson, MD  
Mario Potvin, MD  
Ross Thibodeau, PA-C

Patrick Broderick, MD  
Edgar DePeralta, MC  
Harry Laws, MD  
Stephen Lordon, MD  
Joseph Phillips, MD  
Joseph Rosenberg, MD

Recommended by Dr. Hayward for licensure and certification. Seconded by Ms. McClain. The motion passed; opposed: none; abstained: none; recused: none.

**Mr. Hoser moved for the issuance of Limited Temporary Physician licenses for:**

Scott Watson, MD-LTL

Recommended by Dr. Hayward for licensure and certification. Seconded by Ms. Hunter. The motion passed; opposed: none; abstained: none; recused: none.